

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS
Title 3. California Code of Regulations
Article 4. Containers
Article 25.5. Juice Grapes

INITIAL STATEMENT OF REASONS

DESCRIPTION OF THE PUBLIC PROBLEM, ADMINISTRATION REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

Section 401 of the California Food and Agricultural Code declares that the California Department of Food and Agriculture (Department) shall promote and protect the agricultural industry of California. Section 407 declares that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of the Food and Agricultural Code which he is directed or authorized to administer or enforce.

The proposed changes are intended to address the marketing and shipping needs of the juice grape industry.

SPECIFIC PURPOSE AND FACTUAL BASIS

Section 1380.19, subsection (n) describes the dimensions of eleven existing standard containers used for grapes, of which three are specified for juice grapes. As a matter of record, the containers in this section specified for juice grapes are 38K Standard, 38Q Polystyrene lug and 38R Grape lug.

The specific purpose of amending Section 1380.19, subsection (n) is to describe the dimensions for proposed container 38RPC.

Section 1437.12 requires that all juice grapes be packed in one of three standard containers.

The specific purpose of amending Section 1437.12, subsection (a) is to adopt 38RPC as a new standard container for shipping of juice grapes.

FACTUAL BASIS FOR THE DEPARTMENT DETERMINING THE NEED FOR THE AMENDMENT OF THESE REGULATIONS:

Section 42682 of the Food and Agricultural Code gives the Secretary the authority to establish, modify, or rescind by regulation, standard container, lid, marking, sizing requirements for commodities, and packing arrangement for any fruits, nuts, or vegetables, upon receiving a petition from a person that the Secretary finds has a substantial interest.

Marcy L. Martin, Director of Trade Services for the California Grape and Tree Fruit League

(CGTFL), has petitioned the proposed regulation changes on behalf of CGTFL's grower/shipper members. CGTFL represents a substantial amount of the juice grape industry throughout California.

CGTFL cites the following arguments in support of the proposed changes:

- This container will be constructed of recyclable plastic materials and will result in lower costs due to less wooden containers being used to ship juice grapes. Wood is becoming increasingly costly to use as a container material.
- Worker safety will be increased from less exposure to nails and splinters associated with wood packaging material.
- More efficient cooling of packed products can be achieved using this container compared to wooden containers.

The Department of Food and Agriculture has complied with Section 42682 of the Food and Agricultural Code. The Secretary finds that Marcy Martin, Director of Trade Services for the California Grape and Tree Fruit League, an organization representing approximately 85 percent of growers and packers of California grapes and tree fruit, is a person who has a substantial interest in the juice grape industry.

DOCUMENTS RELIED UPON

- Letter dated May 4, 2007 from Marcy L. Martin, Director of Trade Services, California Grape and Tree Fruit League.
- List of Experimental Container Permits.

ALTERNATIVES

The Department must determine that no alternative considered by the Department would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

ESTIMATED COSTS OR SAVINGS TO PUBLIC AGENCIES OR AFFECTED PRIVATE INDIVIDUALS OR ENTITIES

The Department has initially determined that no savings or increased costs to any state agency, no costs under "Part 7 (commencing with Section 17500) of Division 4" of the Government Code to local agencies or school districts requiring reimbursement, no other nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State will result from these proposed regulations. The Department has also determined that these proposed regulations do not impose a mandate on local agencies or school districts.

SMALL BUSINESS IMPACT STATEMENT

The Department has initially determined that the proposed changes in the regulations would result in no added costs to small businesses affected by these proposed changes. This is based on the fact that the proposal offers an additional alternative for shipping juice grapes, a new standard container that meets the needs of the affected commodity groups without requiring change on the part of industry.

ECONOMIC IMPACT ON AFFECTED BUSINESSES

The Department has initially determined that the proposed regulations would result in no significant costs to private businesses or individuals affected by these proposed regulations. This is based on the fact stated in the SMALL BUSINESSES IMPACT STATEMENT.”